



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II**

**ACTION MEMORANDUM**

**DATE:** December 23, 2013

**SUBJECT:** Approval and Funding for a Removal Action at Riverside Avenue Site, Newark, Essex County, New Jersey

**FROM:** Dwayne Harrington/David Rosoff,  
On-Scene Coordinators  
Removal Action Branch

**TO:** Walter E. Mugdan, Director  
Emergency and Remedial Response Division

**THRU:** Joseph D. Rotola, Chief  
Removal Action Branch

**Site ID #:** 02PC

**I. PURPOSE**

The purpose of this Action Memorandum is to request approval of the selected removal action described herein for the Riverside Avenue Site ("Site") located in the Riverside Industrial Park (29-47 Riverside Avenue, [also reported as 1700-1712 & 1702-1716 McCarter Highway]) in Newark, Essex County, New Jersey (Figure 1-Attachment A).

This memorandum requests authorization of an additional \$1,650,000 from the Regional Removal Advice of Allowance. If approved, the total project ceiling will be raised to \$1,870,000, of which \$1,500,000 would be for mitigation contracting. The additional funding will be used to segregate and remove all hazardous materials including the removal of asbestos containing material ("ACM") and coordinate the transportation and off-site disposal of all wastes generated from within the two onsite buildings during the removal action.

**CONCURRENCES**

NAME: Riverside Avenue		INIT:	Date: 12/01/10	Filename:				
Symbol	ERRD-RAB	ERRD-RAB	ERRD-RAB	ORC-NJSFB	ORC-NJSFB	ORC-NJSFB	ERRD-DD	ERRD-D
Surname	Harrington/ Rosoff	Harkay	Rotola	Beitin	Mellott	Karlen	LaPadula	Mugdan
Date								

On November 9, 2009, the Acting Director of the Emergency and Remedial Response Division (“ERRD”) gave verbal authorization of \$250,000 for mitigation contracting to perform a response action on the Site. A copy of the Confirmation of Verbal Approval is provided as Attachment B. On November 11, 2009, ERRS mobilized to the site to plug a pipe that was discharging oily waste to the Passaic River. The source of the oily waste was determined to be two tanks located in the basement of one of the buildings on site. The two basement tanks and two building sumps were sampled for waste characterization.

The Site is not on the National Priorities List (“NPL”) and there are no nationally significant or precedent-setting issues associated with this removal action.

## **II. SITE CONDITIONS AND BACKGROUND**

The Comprehensive Environmental Response, Compensation and Liability Information System ID number for this time-critical Removal Action is NJSFN0204232.

### **A. Site Description**

#### **1. Removal Site Evaluation (“RSE”)**

The site is a former paint manufacturing facility located in an industrial area in the Riverside Industrial Park (29-47 Riverside Avenue) in Newark, New Jersey. The address is divided into several facilities, either currently operational or abandoned. The site is an abandoned portion of the property bordered to the north and south by other portions of the former facility, to the west by railroad tracks and U. S. Route 21 (McCarter Highway), and the east by the Passaic River (Figure 2–Attachment A). The City of Newark is the current owner of record (Block 614, Lots 63 and 64). The site encompasses two multistory buildings designated as Buildings 7 and 12, 10 underground storage tanks (UST), and formerly held numerous above ground storage tanks (AST). The site is approximately one and a half acres in size. Building 12 contains two abandoned 5,100 gallon ASTs containing hazardous waste, and Building 7 contains approximately one hundred 500 to 2,100-gallon ASTs located on the second and third floors and two subsurface impoundments. Asbestos is present throughout Building 7, in the basement of Building 12, and on the ground outside of Building 7. Ten 12,000-gallon USTs containing hazardous substances, primarily volatile organic compounds (VOCs), are buried on the property.

On October 30, 2009, EPA responded at the request of NJDEP to an oil discharge on the Passaic River in Newark, NJ. The discharge was traced to the Riverside Ave site. NJDEP contained the oil discharge and secured the release, which was identified as a drainage pipe from the buildings on site to the bank of the river.

NJDEP and the City of Newark requested EPA assistance in assessing the site and performing an emergency removal action on the site to identify and remediate the source of the discharge. A copy of the request is provided as Attachment C

On November 11, 2009, ERRS mobilized to the site and plugged the pipe that was discharging oily waste to the Passaic River. The source of the oily waste was determined to be a tank located in the basement of Building 12. ERRS collected samples from the two basement tanks and from two building sumps for waste characterization analysis.

An entry was made into both buildings to assess current conditions. All floors in both buildings showed evidence of historic and recent vandalism. There are multiple open entry points in each building. Containers of various sizes were scattered throughout the first floor in building as well as in the stairwell of Building 7.

Region 2 requested the EPA - Environmental Response Team (ERT) to conduct a subsurface investigation of a portion of the site. Between May 26 and 28, 2010, soil, sediment, and groundwater samples were collected by personnel from the Scientific, Engineering, Response and Analytical Services (SERAS) contract and submitted to the assigned laboratories as part of the EPA Contract Laboratory Program (CLP). Twenty-four subsurface soil samples were collected from 12 soil borings and seven sediment samples were collected from the Passaic River. Groundwater samples were collected from the same locations of the borings. Samples were analyzed for VOCs, semi-volatile organic compounds (SVOCs) and target analyte list inorganics (TAL).

Fill material was encountered at all boring locations. The fill ranges in thickness from 8 to 11.5 feet and contained ash and cinder with construction debris such as brick. The Passaic sediment samples were primarily composed of reworked ash and cinder.

All 24 soil and seven sediment samples contained SVOCs. Numerous organic compounds were detected in the samples, with two samples containing 52 separate compounds. Most samples contained numerous tentatively identified compounds (TICs) with many labeled as unknown. Thirteen samples from 11 locations contained polycyclic aromatic hydrocarbons (PAHs) above the New Jersey Department of Environmental Protection (NJDEP) residential direct contact soil cleanup criteria (RDCSCC), with two exceeding the non-residential direct contact soil cleanup criteria (NRDCSCC). The one SVOC non-PAH that exceeded the RDCSCC is bis(2-ethylhexyl)phthalate with concentrations ranging from 93 and 160 milligrams per kilogram (mg/kg).

Eighteen of the 24 soil samples and one of the seven sediment samples contained VOCs; however, only benzene concentrations exceeded a NJDEP criteria. Two samples exceeded the NJDEP Impact to Groundwater (IGW) soil cleanup criteria. Most samples that contained VOCs, contained numerous compounds including TICs with two samples having 31 compounds each.

Twenty-six soil and sediment samples contained metal concentrations above either the NJDEP RDCSCC or NRDCSCC. All 26, including all the sediment samples, contained lead at concentrations exceeding the NJDEP criteria. Arsenic, beryllium, barium and zinc are also in the soil and sediment above criteria.

All 12 groundwater samples contained analytes above NJDEP cleanup criteria. Most of the contaminants were metals with lead occurring in all the samples. Along with the metals, three locations (four samples) contained benzene. Methylene chloride and total xylenes were above the NJDEP Specific Ground Water Criteria at one sampling location. Both filtered and unfiltered samples were collected for TAL analysis. The more soluble components, sodium, magnesium, potassium and calcium did not vary between the filtered and unfiltered samples. Aluminum had high concentrations in the unfiltered sample but was below the method detection limit in the filtered samples. Iron and manganese had lower concentrations in the filtered samples, but still were above criteria throughout the site. Lead varied considerable in the unfiltered samples, but ranged between 9.8 and 16 micrograms/liter. Although arsenic was in eight unfiltered samples, it was above criteria in only four which were along the river.

Under Superfund Technical Assessment and Response Team (START) Contract No. EP-S7-06-01, EPA tasked Tetra Tech EM Inc. (Tetra Tech) to conduct a site removal assessment to determine if hazardous substances are present in the following areas: (1) storage or process tanks located on the second and third floors of Building 7; (2) drums found on the site; (3) waters and possibly residual solids that have collected in the basements of both Building 7 and Building 12; (4) dry red and blue-colored pigment materials found on the fourth and fifth floors of Building 12 and; (5) pipe insulation observed in the onsite buildings.

During the week of June 7, 2010, Tetra Tech mobilized to the site and collected samples from the following areas: (1) storage tanks, drums, carboys, and 5-gallon containers that contained product or waste; (2) water and sediment/sludge from the subbasement and basement of Building 7 and Building 12; (3) pigment material on the floor in Building 12, and (4) pipe insulation observed inside and outside both buildings. Tetra Tech collected a total of 10 samples from the tanks of the third floor of Building 7, including one duplicate sample and one sample from a tank on the second floor; one composite sample of the tar/resin-like material that was observed leaching from the bank of the Passaic River and at the base of the northeast wall of Building 7; one composite sample of the tar/resin-like material that was observed in the process lines and piping associated with the storage and process tanks; three aqueous samples and three sediment samples from the subbasement of Building 7, including one duplicate sample and one aqueous and one sediment samples from a sump in the basement of Building 12; 11 bulk samples from pipe insulation contained inside and outside of Buildings 7; one bulk sample of pipe insulation in the basement of Building # 12; and several solid waste samples from the drums, carboys and other containers located throughout both buildings.

Tetra Tech packaged and shipped samples to laboratories procured through the EPA contract laboratory program (CLP) for target compound list (TCL) and Toxicity Characteristics Leaching Procedure (TCLP) VOCs, SVOCs, pesticides, and PCBs and target analyte list (TAL) and TCLP metals and cyanide.

Analytical results for the 10 waste samples collected from tanks and containers located on the second and third floors of Building 7 indicated the presence of VOCs above the analytical quantitation limit in samples collected from two tanks. VOCs included acetone (1,100 µg/kg [micrograms per kilogram]), xylene (630 µg/kg); and methylene chloride (560 µg/kg). In addition

to these VOCs, various VOC tentatively identified compounds (TIC) were reported above the analytical quantitation limit from the samples collected from four tanks. Analytical results for the composite sample (resin-like material present in the third floor tank process lines and pipes) also indicated the presence of VOCs and VOC TICs, including acetone (780 µg/kg), ethylcyclohexane (3,200 µg/kg), toluene (3,200 µg/kg), ethylbenzene (150,000 µg/kg), oxylene (29,000 µg/kg), m,p-xylene (65,000 µg/kg) and isopropylbenzene (7,700 µg/kg). No aroclor compounds or significant levels of inorganic compounds were reported in any tank or container samples collected from Building 7. A lead level of 1,110 milligrams per kilogram (mg/kg) was reported in the composite sample. The TCLP analysis for the tank and container samples did not reveal any compound that exceeded the corresponding regulatory level. In addition, none of the tank samples exhibited the characteristics of corrosivity (pH less than 2 or greater than 12.5) or ignitability (flash point less than 140° F).

Analytical results for the six samples collected from drums and containers located on the first floor of Building 7 indicated the presence of VOCs in one sample. A sample collected from a 55-gallon drum located on the first floor contained methylene chloride (380 µg/kg), toluene (4,100 µg/kg), ethylbenzene (250,000 µg/kg), o-xylene (390,000 µg/kg), m,p-xylene (710,000 µg/kg) and isopropylbenzene (21,000 µg/kg). Various VOC TICs were also reported in samples collected from drums and containers located on the first floor of Building 7. No aroclor compounds or significant levels of inorganic compounds were reported in any of the samples collected from drums or containers located on the first floor of Building #7. The only compound reported from the TCLP analysis of these samples to exceed the corresponding regulatory level was pyridine, which was detected at an estimated concentration of 98,000 micrograms per liter (µg/l) in a sample collected from a 5-gallon plastic container. Only one sample exhibited the characteristic of ignitability with a flash point of 130° F. No sample collected from the first floor of Building 7 exhibited the characteristic of corrosivity. One sample collected from an open 30 gallon carboy drum located on the second floor contained methylene chloride at 410 µg/kg. No aroclor compounds or significant levels of inorganic compounds were reported in this sample and the TCLP analysis did not reveal any compound that exceeded the corresponding regulatory level or exhibit the characteristics of corrosivity or ignitability.

Analytical results reported from samples collected from the two drums and one 5-gallon container located on the first floor of Building 12 indicate that they contain VOCs. Specifically, VOCs detected included: methylene chloride (32,000 µg/kg), bromochloromethane (2,300 µg/kg), acetone (39,000 µg/kg), methyl acetate (11,000 µg/kg), methyl tert-butyl ether (3,100 µg/kg) 1,1,1-trichloroethane (2,100 µg/kg), cyclohexane (13,000 µg/kg) and carbon tetrachloride (720 µg/kg). VOC TICs were also reported in the two samples. No aroclor compounds were detected in the samples collected from containers in Building 12, no significant levels of inorganic compounds reported, the TCLP analysis did not reveal any compound that exceeded the corresponding regulatory level and none of the container samples exhibited the characteristics of corrosivity (pH less than 2 or greater than 12.5) or ignitability (flash point less than 140° F).

Analytical results from aqueous samples collected from the subbasement of Building 7 revealed numerous VOCs up to a maximum concentration of 430 µg/l reported for toluene. Numerous VOC TICs were also reported in these samples. SVOCs were also detected in the subbasement

aqueous samples collected from Building 7 including phenol (up to 13,000 µg/l), 2-methylphenol (up to 13,000 µg/l) and 4-methylphenol (up to 4,700 µg/l). The pesticides alpha-BHC and gamma chlordane were reported in one of the subbasement aqueous samples at estimated concentrations of 310 µg/l and 140 µg/l, respectively. No aroclor compounds were reported in any of the aqueous samples collected from the subbasement of Building 7.

Analytical results of the sediment samples collected from the Building 7 subbasement revealed numerous VOCs with the highest concentrations included: 1,1,2-trichloro-1,2,2-trifluoroethane (27,000 µg/kg), acetone (11,000 µg/kg), methyl acetate (12,000 µg/kg), methylene chloride (220,000 µg/kg), 2-butanone (120,000 µg/kg), chloroform (110,000 µg/kg), 1,1,1-trichloroethane (1,100,000 µg/kg), trichloroethene (5,200 µg/kg), methylcyclohexane (2,900 µg/kg), 4-methyl-2-pentanone (24,000 µg/kg), toluene (230,000 µg/kg), tetrachloroethene (280,000 µg/kg), chlorobenzene (2,200 µg/kg), ethylbenzene (58,000 µg/kg), 1,1,2-trichloroethane (91,000 µg/kg), o-xylene (240,000 µg/kg), m,p-xylene (230,000 µg/kg), 1,3-dichlorobenzene (5,000 µg/kg), 1,4-dichlorobenzene (5,800 µg/kg), 1,2-dichlorobenzene (59,000 µg/kg), 1,3-dichlorobenzene (290,000 µg/kg) and 1,2,3-trichlorobenzene (58,000 µg/kg). Numerous VOC TICs were also detected in these sediment samples.

SVOCs were also detected in Building 7 subbasement sediment samples. The highest concentrations included: phenol (2,200,000 µg/kg), 2-methylphenol (4,700,000 µg/kg), acetophenone (430,000 µg/kg), 4-methylphenol (1,400,000 µg/kg), 2,4-dimethylphenol (430,000 µg/kg), 1,1-biphenyl (56,000 µg/kg), 2-chloronaphthalene (110,000 µg/kg), diethylphthalate (240,000 µg/kg), and bis(2-ethylhexyl)phthalate (230,000 µg/kg). No pesticides, aroclor compounds or significant levels of inorganic compounds were reported in the sediment samples collected from the subbasement of Building 7. Of two samples analyzed for corrosivity and ignitability, neither exhibited these characteristics.

Pipes throughout Building 7 are insulated with ACM. Much of the insulation is damaged and has either fallen off the pipes onto the floor or onto objects below the pipes. The insulation is exposed to the outside elements and may be releasing to the outside environment through the broken windows on the upper floors.

The analytical results for the multimedia samples collected from tanks, drums, containers, sumps and throughout the building and soil, sediment and groundwater samples outside the buildings indicate the presence of CERCLA designated hazardous substances. Many of these chemicals are believed to have been used as raw materials in the manufacturing processes at the facility. These materials are CERCLA designated hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). In addition, the pipe insulation that is ACM and in a friable state is also a CERCLA designated hazardous substance. The Site is defined as a facility under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9). The leakage of unknown chemicals from tanks, piping, and containers and the damaged ACM constitutes a "release," or threat of "release" of hazardous substances as defined in Section 101(22) of CERCLA, 42 U.S.C. Section § 9601(22).

Because of the release and a continuing threat of release of CERCLA designated hazardous substances at the Site, which is defined as a facility under Section 101(9) of CERCLA, a removal action is warranted.

## **2. Physical location**

The Site is located in the Riverside Industrial Park (29-47 Riverside Avenue, [also reported as 1700-1712 & 1702-1716 McCarter Highway]) in Newark, Essex County, New Jersey (Figure 1-Attachment A). The site is an abandoned portion of the property (Block 614, Lots 63 and 64), bordered to the north and south by other portions of the former facility, to the west by railroad tracks and U. S. Route 21 (McCarter Highway), and the east by the Passaic River (Figure 2–Attachment A). The elevation of the Site is approximately 11 feet above mean sea level and its geographic coordinate is 40.7670135° latitude and -74.1593681° longitude. Chemical Compounds, Inc. borders the site to the north. Several residences are across McCarter Highway (Route 21) to the west. The closest residence to the Site, situated within 100 yards of the Site, is on Herbert Place.

There are no known, threatened, or endangered species on the Site, nor is EPA aware of historical landmarks or historically important buildings on-site.

## **3. Site characteristics**

The Site consists of two unoccupied and abandoned multi-story (including basements) brick and concrete industrial buildings, including a five (5) story structure designated as Building 12 (North) on Lot 64, and a three (3) story structure designated as Building 7 (South) on Lot 63. The portion of the Lot that is not improved by structures has a surface covered by gravel and/or exposed soil. The buildings have broken windows and City of Newark is the current owner of record. Available documentation indicated that the Site was most recently owned by Industrial Development Corporation and utilized for warehousing until 1993, after which time the City of Newark obtained the property via foreclosure actions. The Site's historical narrative contained in the Preliminary Assessment Report (PAR) dated May 2009, prepared by Weston Solutions (Weston), identifies that the Site was historically utilized for the manufacture of paints and varnishes, and is a small part of what was formerly a much larger multi Lot facility owned and operated by Pittsburgh Paint Glass Co. (PPG).

Currently, all utility services (water, natural gas and electric) have been disconnected to the property.

The removal action documented in this memorandum will be the first for the Site.

## **4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant.**

The EPA's assessment of the facility documented the presence of the following hazardous substances, as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14) and determined that a removal action under the CERCLA is warranted.

<b>Hazardous Substance</b>	<b>Statutory Source for Designation as a Hazardous Substance</b>
benzene	CAA § 112
bis(2-ethylhexyl)phthalate	CWA § 307(a); CAA § 112
ethylbenzene	CWA § 307(a); CAA § 112; CWA § 311(b)(2)
Methylene chloride	CWA § 307(a); CWA § 311(b)(2)
toluene	CWA § 307(a); CAA § 112
xylene	CAA § 112; CWA § 311(b)(2)
Arsenic	CWA § 307(a); CAA § 112
Beryllium	CWA § 307(a); CAA § 112
lead	CWA § 307(a); CAA § 112; CWA § 311(b)(2)
zinc	CWA § 307(a)
Asbestos	CWA § 307(a); CAA § 112

Mechanism for past, present and future releases from the Site include the following:

Broken windows and open doorways provide a route for hazardous substances to release into the environment via wind currents. Furthermore, in the event of a fire in the building, the hazardous substances noted above would be released into the air which would result in their migration into adjacent residential neighborhoods. Trespassers entering the building will come in direct contact with hazardous substances and will track/transport the contamination off-site.

Continued exposure of the drums to excessive moisture and temperature extremes will cause the drums to further corrode and bulge. The freezing and expanding of drum contents will result in a release during thaw cycles. EPA has observed drums and small containers that are leaking and several drums that are threatening to release their contents due to the weather freeze and thaw cycles. Contaminants can migrate into the environment through air entrainment of particulates and surface water runoff.

The building also contains deteriorated ACM insulation that is wrapped on pipe. When friable, asbestos is designated as a CERCLA hazardous substance under 40 CFR Table 302.4. Asbestos fibers from the deteriorating insulation may be released directly into the environment through broken windows.

The lack of maintenance at the building, along with leaking 55-gallon drums and small containers, friable asbestos on exposed pipe, and the potential for continued unauthorized entries by trespassers, are the most likely mechanisms for future releases and direct contact at the Site. These mechanisms will continue the spread of contamination from the Site unless the actions proposed in this memorandum are implemented.

## **5. NPL Status**

The Site is currently not on the NPL and there are no known plans for its inclusion.

## **6. Maps, pictures and other graphic representations**

Please see the Attachments A and D.

## **B. Other Actions to Date**

### **1. Previous actions**

The City of Newark, Department of Economic Development and Housing contracted Weston to conduct a Preliminary Assessment for site. Weston submitted the PA Report to the City in May 2009. Weston identified eleven (11) areas of concern (AOC) at the Site:

- AOC A-1 – Above Ground Storage Tanks and Associated Piping
- AOC A-2 – Underground Storage tanks and Associated Piping
- AOC A-3 – Piping, Above Ground and Below Ground Pumping Stations, sumps and Pits
- AOC B-1 – Storage Pads Including Drum and/or Waste Storage
- AOC C-1 – Floor Drains, trenches and Piping and Sumps
- AOC D-1 – Waste Piles
- AOC D-2 – Open Pipe Discharges
- AOC E-1 – Electrical Transformers & Capacitors
- AOC E-1A – Discolored or Spill Areas
- AOC F-1 – Loading or Transfer Areas
- AOC G-1 – Freight Elevators

In 2009, the Brick City Development Corporation contracted PMK Group to conduct a site investigation (SI) of the site. PMK conducted the SI between August and October 2009. The SI included a Geophysical Survey, soil sampling, shallow groundwater sampling, from Building 7 (Block 614, Lot 63) and Building 12 (North) on Lot 64; and basement water sampling from within Building 7 (Block 614, Lot 63). In October 2009 PMK Group, Inc. submitted an environmental site investigation report to its client, Brick City Development Corp. The PMK report concluded that based on the sampling results and the information gathered during the SI activities, the soil and groundwater onsite have been identified to be impacted above the applicable NJDEP criteria and that the source of the impacts is likely to have been historic fill, as well as former on-Site operations.

EPA received a request from the NJDEP on October 30, 2009 to evaluate the Site for a CERCLA removal action.

### **2. Current actions**

Currently, EPA is awaiting final determination on the enforcement issues related to the site. On November 23, 2010 OSCs from the RAB presented the findings from the Tetra Tech and Lockheed Martin site assessments to RPB and RAB removal management. It was agreed that the following items on site are removal eligible:

- Asbestos throughout Building 7 and in Building 12 basement as well as outdoor ACM
- Four above ground storage tanks (AST) in Building 7 that contain a combined total of approximately 2000 gallons of VOC and SVOC contaminated waste;

- An unknown quantity of organic resins in the process lines of Building 7
- Two ASTs in Building 12 that contain a combined total of approximately 5000 gallons of VOC and SVOC contaminated waste;
- Five drums/carboys containing VOC and SVOC contaminated waste
- VOC contaminated sediments in basement of Building 12 basement:
- VOC, SVOC, and lead contaminated pigments in two hoppers in Building 12
- An estimated 36,000 gallons of VOC and SVOC contaminated sludge in the subbasement waste impoundments in Building 7 (the contaminants are consistent with those found in site soil and groundwater, confirming that the waste impoundments as source areas for site soil and GW contamination).
- Ten 12,000-gallon underground storage tanks (UST) contain numerous VOCs and SVOCs (incl. TICs) in the percentage range and consistent with site soil and groundwater contamination. Soil TIC contaminants also identified in USTs, confirming communication and transfer of contaminants; USTs area a source area for site soil and GW contamination.

On November 29, 2010 OSCs from the RAB met with R2 and HQ Pre-Remedial representatives on site to discuss the removal site assessment and proposed removal action.

### **C. State and Local Authorities' Roles**

#### **1. State and local actions to date**

In October 2009, the NJDEP contained an oil discharge that was traced to the Riverside Avenue site and secured the release. The oil discharge was identified as a drainage pipe from the buildings onsite to the bank of the river.

NJDEP and the City of Newark Requested EPA assistance in assessing the site and performing an emergency removal action on the site to identify and remediate the source of the discharge.

There are no actions associated with this removal action being undertaken by either State or local agencies at the Site.

#### **2. Potential for continued State/local response**

The City of Newark has assisted EPA in the investigation activities by providing historical information and access to the Site.

The RAB will coordinate all response activities at the Site with the City of Newark and NJDEP.

At this time, no other removal actions at the Site are planned by NJDEP.

### **III. THREATS TO PUBLIC HEALTH, OR WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

Conditions at the Site meet the criteria for a CERCLA removal action as described in the National Contingency Plan (“NCP”) at 40 CFR 300.415(b)(2). The following criteria are directly applicable to the threats which exist at the Site:

**(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants, or contaminants;**

The containers and other waste material at the Site exist in an uncontrolled manner, increasing the potential for further releases. In addition, the potential exists for ongoing releases from the ACM. Friable ACM is present throughout the structure and its condition will continue to deteriorate over time increasing the chances of future releases off-site and exposures to persons near the Site. Residences are located within 100 yards of the Site. The building has a history of being vandalized by trespassers. Anyone entering the building will come into contact with the CERCLA hazardous substances present inside. Trespassers could become contaminated with these hazardous substances and track/transport them to areas outside the building causing others to be exposed. A fire could lead to the release of hazardous substances to the air and migration into surrounding residential neighborhoods presenting an immediate threat to adjacent residents and emergency responders.

**(ii) Hazardous substances, or pollutants, or contaminants in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release;**

There are hazardous substances in drums and other storage containers on the Site that may pose a threat of release. Several drums and smaller containers containing hazardous substances and/or unknown wastes are located in the building on the Site. Some of these containers have already released their contents onto the floor. The contents of containers within the building continue to pose a threat of release to the environment. Process-related wastes coat the equipment, floors and piping in the process areas.

**(iii) Threat of fire or explosion; and**

The building contains some quantities of combustible materials. This material, combined with the presence of combustible hazardous chemicals and flammable non-hazardous materials increases the potential for a fire. As trespassers access the building and the winter months approach, the risk for fire increases. A fire in the building, which contains hazardous chemicals and ACM, could result in the generation and release of a large airborne plume of smoke containing organic chemicals and asbestos. This plume could easily migrate off-site into neighboring communities causing widespread exposure to airborne contaminated particulates. Furthermore, water used by firefighters, in the event of a fire, would become contaminated and enter the storm water drainage systems and impact surface water areas.

- (iv) **The availability of other appropriate federal or State response mechanism to respond to the release.**

There are no State/local response actions expected to mitigate the threats to public health or the environment on the Site.

#### **IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action described in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

#### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

##### **A. Proposed Actions**

##### **1. Proposed action description**

The objective of the removal action is to remove hazardous substances from the Site, in order to eliminate the threat of direct human contact to hazardous substances in the building. The action proposed also serves to limit trespassing at the Site. The following actions will occur at the Site:

- i. Securing the Site to prevent unauthorized access and prevent the public from coming into contact with hazardous substances at the Site;
- ii. Evaluate and remove friable asbestos insulation material.
- iii. Prepare waste streams for shipment;
- iv. Remove the 10 USTs on the property
- v. Remove the materials in the two basement tanks
- vi. Remove containers of hazardous substances, pollutants or contaminants from the facility;
- vii. Decontamination of tanks and chemical storage areas and process areas, as necessary; and

All waste material generated from the cleanup at the Site will require off-site disposal. Facilities that are selected for the off-site management of these wastes will be in compliance with EPA's Off-Site Disposal Rule. Materials generated from the cleanup of the Site and the asbestos abatement will be sampled as appropriate, placed into Department of Transportation ("DOT")-approved shipping containers, and sent off-site for disposal at the facility in compliance with EPA's Off-Site Disposal Rule, 30 CFR Section 300.400.

To the extent practical, EPA will attempt to return unused material to manufacturers, recycle hazardous substances for reuse, and recycle solid wastes as appropriate, in order to reduce the amount of waste materials sent off-site for disposal. The building will be decontaminated, as necessary, following completion of the removal action; the property will be securely fenced and referred back to NJDEP for further environmental evaluation.

## **2. Contribution to remedial performance**

The removal action at the Site is consistent with the requirement of Section 104(a)(2) of CERCLA, which states, “any removal action undertaken...should...to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or the threatened release concerned.” The removal action proposed in this action memorandum is consistent with any future remedial action. These actions will have both stabilized and removed the potential sources of future releases from the Site into the environment.

## **3. Engineering Evaluation/Cost Analysis (“EE/CA”)**

Due to the time-critical nature of this removal action, an EE/CA was not and will not be prepared.

## **4. Applicable or relevant and appropriate requirements (“ARARs”)**

ARARs that are within the scope of this removal action will be met to the extent practicable, considering the exigencies. The federal ARARs determined to be applicable for this proposed scope of work include the Response Conservation and Recovery Act (“RCRA”) waste classification, storage, and disposal requirement, and the DOT shipping requirement. The Occupational Safety and Health Act regulations that pertain to health and safety were also met to the extent practicable.

## **5. Project schedule**

Removal activities will be implemented **immediately** following the receipt of formal access to the Site. Completion of the removal activity will be achieved within the one year statutory time frame laid out in Section 104(c)(1) of CERCLA. This time-frame is based on availability of access, favorable weather conditions and the availability of an approved disposal facility.

## B. Estimated Costs

A summary of the funding requested in this Action Memorandum is presented below. A detailed confidential Independent Government Cost Estimate ("IGCE") is also included in the confidential section of this document as Attachment E.

Extramural Costs	Current Ceiling	Ceiling Increase Requested in this Action Memorandum	Proposed New Total Project Ceiling
<b>Regional Removal Allowance of Costs:</b>			
Total Cleanup Contractor Costs (this cost category includes estimates for ERRS, subcontractors, and Notices to Proceed).	\$200,000	\$1,000,000	\$1,200,000
Cleanup Contractor Costs Contingency (20%)	\$0	\$200,000	\$200,000
Total Cleanup Contractor Costs (ERRS)	\$200,000	\$1,200,000	\$1,400,000
<b>Other Extramural Costs Not Funded from the Regional Allowance:</b>			
Total RST, CLP and AST	\$50,000	\$150,000	\$200,000
<b>Subtotal, Extramural Costs</b>	<b>\$250,000</b>	<b>\$1,350,000</b>	<b>\$1,700,000</b>
Extramural Cost Contingency (20% of Subtotal, Extramural Costs, rounded to nearest 000)	\$0	\$270,000	\$270,000
<b>Total, Extramural Removal Action Project Ceiling</b>	<b>\$250,000</b>	<b>\$1,620,000</b>	<b>\$1,870,000</b>

## VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Should the proposed actions described in this Action Memorandum be delayed or not taken, a release from the wastes stored in drums and other smaller containers will continue, asbestos will continue to deteriorate. The Site is unsecured which will allow trespassers to enter and be exposed to hazardous substances and to start a fire.

## VII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with the Site at the present time.

## VIII. ENFORCEMENT

Attempts to obtain access from former owners/managers of record were not successful. Therefore, EPA, through the Department of Justice is attempting to obtain access into the property from the federal district court.

The total EPA cost for this removal action, based on full-cost accounting practices that will be eligible for cost recovery, are estimated to be \$2,867,778 and were calculated as follows:

<b>Cost Type</b>	<b>Total Funding Requested in this Memorandum and Previous Memoranda</b>
Direct Extramural Cost	\$1,870,000
Direct Intramural Cost	\$200,000
Subtotal, Direct Cost	\$2,070,000
Indirect Costs (Regional Indirect Cost Rate 38.54%)	\$797,778
Estimated EPA Costs Eligible for Cost Recovery	\$2,867,778

Note: Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 1, 2004. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including DOJ costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from the estimate will affect the United States' rights to cost recovery.

## **IX. RECOMMENDATION**

This decision document represents the selected removal action for the Riverside Avenue Site, located in Newark, Essex County, New Jersey. This document was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the Site meet the criteria stipulated in section 300.415(b)(2) of the NCP for a removal action and we recommend your approval of the ceiling increase and the proposed removal action. The total project ceiling approved to date is \$250,000. Additional funding requested in this memorandum will raise the total extramural cost ceiling to \$1,870,000, an increase of \$1,620,000 for which \$1,500,000 is for mitigation contracting.

Please indicate your authorization of funding for the Riverside Avenue Site, as per the current delegation of authority by signing below.

Approval: \_\_\_\_\_

Walter E. Mugdan, Director, Director  
Emergency and Remedial Response Division

Date: \_\_\_\_\_

Disapproval: \_\_\_\_\_

Walter E. Mugdan, Director  
Emergency and Remedial Response Division

Date: \_\_\_\_\_

cc: (after approval is obtained)

G. Pavlou, ORA-DRA  
W. Mugdan, ERRD-D  
J. LaPadula, ERRD-DD  
J. Rotola, ERRD-RAB  
D. Harkay, ERRD-RAB  
B. Grealish, ERRD-RAB  
D. Karlen, ORC-NJSB  
D. Mellot, ORC-NJSB  
C. Beitin, ORC-NJSB  
K. Giacobe, OPM-FMB  
T. Grier, 5202G  
P. McKechnie, OIG  
A. Raddant, USDOJ  
L. Rosman, NOAA  
F. Mumford, NJDEP-SRP  
E. Putnam, NJDEP  
R. Craig, RST

## **ATTACHMENT A**

### **Figures**

**ATTACHMENT B**

**Confirmation of Verbal Approval**

**ATTACHMENT C**  
**Request(s) for EPA Assistance**

## **ATTACHMENT D**

### **Maps, pictures and other graphic representations**

**\*\*\*\*\*CONFIDENTIAL\*\*\*\*\***

**ATTACHMENT E**  
**Detailed Cost Breakdown**



**\*\*\*\*CONFIDENTIAL INFORMATION\*\*\*\***

**ATTACHMENT F**

**CONFIDENTIAL INFORMATION**

**\*\*\*\*\*CONFIDENTIAL\*\*\*\*\***

**DO NOT RELEASE UNDER FOIA - ENFORCEMENT SENSITIVE**

**DO NOT PLACE IN ADMINISTRATIVE RECORD**

**DO NOT RELEASE TO PUBLIC**

**CONFIDENTIAL ENFORCEMENT ADDENDUM**

- A. Potentially Responsible Parties (“PRP”) Search:**
- B. Notification of PRP’s of Potential Liability and of the Required Removal Action:**
- C. Decision Whether to Issue an Order:**
- D. Negotiation and Order Issuance Strategy:**